



**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL AND THE COUNCIL
SITTING AS THE REDEVELOPMENT AGENCY BOARD**

**Council Chamber in City Hall
68-700 Avenida Lalo Guerrero
Cathedral City, CA 92234**

WEDNESDAY, OCTOBER 26, 2005

The Regular meeting of the City Council, also sitting as the Redevelopment Agency Board was called to order by Mayor DeRosa in the Council Chambers on October 26, 2005 at 3:00 p.m.

ROLL CALL:

Present: Council Members/RDA Board Members England, Marchand, Vasquez,
Mayor Pro Tem Pettis, Mayor/Chairman DeRosa

Absent: None

There were two items brought forward from City Council Study Session for action:

1. Item 6. Council Member Marchand moved to authorize staff to come back with a recommendation of a donation of \$250,000 to Cal State San Bernardino Palm Desert, with the appropriate findings, out of RDA, over a time of four years. Motion seconded by Council Member Vasquez, motion carried 5-0 **by Minute Order # 3982.**
2. Item 7. Council Member Marchand moved that the Council was agreeable to utilize \$5000 from the Police Dept. Community Outreach and a like amount from non city resources to bring the Joffrey to Cathedral City (Sunday May 28, 2006 via the Public Arts Commission). Motion seconded by Council Member Vaquez. Motion carried 5-0 **by Minute Order # 3983..**

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Mayor DeRosa opened public comments for anyone who wanted to speak on any Closed Session item. There were no requests to speak.

The regular meeting began at 6:33 p.m. and was opened by Mayor DeRosa.

Mayor Pro Tem Pettis offered the Invocation.

Cathedral City High School Junior Air Force ROTC did the Presentation of Colors and Mayor DeRosa led the Pledge of Allegiance.

CLOSED SESSION AGENDA:

1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8. (**Paul Shillcock**)
 - Property Location: North and west of the intersection of Perez Road and Campbell Street
 - APN# 687-322-015 and 687-071-013
 - Negotiating Parties: Redevelopment Agency and Palm Springs Nissan
 - Property Owners: Terry L. Butts and Myles E. Bois
 - Under Negotiation: Property Disposition
2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8. (**Paul Shillcock**)
 - Property Location: Northwest Corner of Landau Boulevard and Vista Chino
 - APN# 677-214-038
 - Negotiating Parties: City of Cathedral City and Mr. and Mrs. Sol Wynar
 - Property Owner: Sol Wynar
 - Under Negotiation: Property Acquisition
3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8 (**Jan Davison**)
 - Property Location: East of Dream Homes and west of the Whitewater River Channel.
 - APN #677-410-009
 - Negotiating Parties: Redevelopment Agency and City of Cathedral City
 - Property Owner: City of Cathedral City
 - Under Negotiation: Property Disposition
- 3A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8.
 - Property Location: South of East Palm Canyon, west of Perez Road
 - APN# 687-030-010
 - Negotiating Parties: Redevelopment Agency and CCC Properties, LLC (O'Brien Automotive Team, Inc.)
 - Property Owner: Redevelopment Agency
 - Under Negotiation: Disposition of Property and Development Agreement

4. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8 (**Warren Bradshaw**)
Property Location: 57094 San Mateo Drive
Negotiating Parties: Redevelopment Agency and Mary Margaret Osban
Property Owners: Mary M. Osban
Under Negotiation: Property Acquisition
5. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8 (**Warren Bradshaw**)
Property Location: North of Vista Chino, south of Southern Pacific Railroad
APN#s 660-350-002 and 010 and 630-360-004, 005, 006 and 015
Negotiating Parties: Cathedral City Redevelopment Agency and International Business Properties
Property Owners: Toby Lawrence and International Business Properties
Under Negotiation: Property Acquisition
6. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8. (**Charlene Sumpter**)
Property Location: Parcels just north of A & B Street, west of Van Fleet, East of Cathedral Canyon, south of East Palm Canyon Drive otherwise known as Phase II
Negotiating Parties: Cathedral City Redevelopment Agency and Tri-Millennium Cathedral City LLC
Property Owner: Cathedral City Redevelopment Agency
Under Negotiation: Property Disposition/Lease Negotiations
7. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8. (**Charlene Sumpter**)
Property Location: Parcels East of Cathedral Canyon Drive, North of East Palm Canyon Drive, south of Lalo Guerrero and west of George Montgomery.
Negotiating Parties: Cathedral City Redevelopment Agency and Tri-Millennium Cathedral City LLC
Property Owner: Cathedral City Redevelopment Agency
Under Negotiation: Property Disposition
8. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8. (**Jan Davison**)
Property Location: Area surrounding Date Palm Drive, East Palm Canyon, Monty Hall and the Wash
APN# 687-180-005
Negotiating Parties: Redevelopment Agency and CK Development, Eastco Development, Ehline Development Company, Germania, GVD Commercial, KZ Holdings, Lowe

Destination Development, Nexus Development,
Praetorian Development and Acquisitions, ProWest
Development, Sherritt Development Services, Tate
Diversified, Tri-Millennium, Tripple 5 Development,
Wessman Development, Robert Zarnegin

Property Owner: Redevelopment Agency
Under Negotiation: Property Disposition

9. CONFERENCE WITH LEGAL COUNSEL- POTENTIAL LITIGATION pursuant to
Government Code Section 54956.9, Subd. (b)
Number of Potential Cases: 2

10. CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code
Section 54957.6
Agency Negotiator: Donald Bradley, City Manager
Represented Employees: 1) Cathedral City Police Officers Association
Association (CCPFMA); 2) American
Federation of State, County and Municipal
Employees.

11. PUBLIC EMPLOYEE EVALUATION pursuant to Government Code Section 54957
Title of Position: City Attorney

CLOSED SESSION ANNOUNCEMENTS

City Attorney Green advised there were no reportable actions out of closed session, but the Council did not finish the Closed Session Agenda so they would be returning to Closed Session later in the evening. After the completion of Closed Session they would report back to Council Chambers with any announcements before adjourning for the evening.

PUBLIC COMMENTS

Bill Cohen – Cathedral City. He is still looking for volunteers for the COPS, has T-Shirts to sell for \$16.00. He will deliver the T-Shirts.

Greg Wetmore – Rancho Mirage. Mr. Wetmore is President and CEO of the Cathedral City Chamber of Commerce. Mr. Wetmore brought us up to date on the upcoming Chamber Activities with the monthly Power Breakfast on November 2 at the Doral, with Supervisor Wilson speaking. The Chamber is supporting Debra Ahlers for the Palm Springs Unified School Board. On the 16th the CCHS Marching Band will perform prior to their leaving for Chicago for the Thanksgiving Day Parade, the next mixer will be at Hi-Lites Salon in the Downtown area.

Jane Rosco – Cathedral City. Ms. Rosco hopes that the city will take responsibility for new fire hydrants, or bring the old ones up to code in the cove area.

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John Rocos – Cathedral City. Mr. Rocos is against the city adoption of the new Icon (logo) as he feels it is a religious symbol and Cathedral city should be named Cathedral Canyon city, he believes in separation of church and state.

Mary Richards Rocos – Cathedral City. Mrs. Rocos also is against the city adoption of the new logo, she is speaking about this *Catholic* symbol – with the added *Spirit* of the Desert, she is very angry. There are many good symbols for the city, such as Humming Bird, Mocking Bird, the Raven or the Coyote or the Road Runner.

Brad Fleener – Cathedral City. Mr. Fleener is representing the Desert Aquatic Group and is campaigning for the pool for Cathedral City. Mr. Fleener appeared to have many supporters in the audience.

Alibaba Farzenah – Rancho Mirage. Mr. Farzenah wanted to thank Julie Baumer and her staff for their continued efforts.

The following people spoke in favor of a pool for Cathedral City.

Vivian Carravella – Cathedral City

Abbey Miller - Cathedral City

David Mueller - Cathedral City

Kate Pierson – Cathedral City

Lawrence Peterson - Cathedral City. Mr. Peterson has been involved with AYSO Soccer at Nellie Coffman School for 10 years. He wants soccer field or a pool for kids, do something for the kids.

Douglas Albert – Cathedral City. Mr. Albert is a three year resident at TramView and is concerned that his home will be taken away for auto mall expansion. Mayor DeRosa asked Mr. Albert to see Paul Shillcock outside and Mr. Shillcock would answer his questions.

Seeing no one else wishing to speak, Mayor DeRosa closed Public comments.

She advised everyone that there would be a joint meeting of the City Council and the Parks and Recreation meeting on Wednesday November 2nd at 5:30 p.m. and this meeting was open to the public.

AGENDA FINALIZATION

Mayor DeRosa advised there Item 16 would be pulled and deferred to a date uncertain.

SCHOOL REPOTS

Douglas Crawford from Cathedral City High School gave an update on what is happening at the school. They are planning a college trip in November and also planning a blood drive and since you must be 18 to give blood, the responsibility for the success of the

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blood drive relies on the Seniors.

SPECIAL PRESENTATION

Mayor DeRosa introduced a young man named Gavin who is a first grade student at Sunny Sands Elementary school and presented him with a special certificate as the *Most Improved Reader* from his school.

COUNCIL COMMENTS

Mayor Pro Tem Pettis announced his participation at the Bow Wow Hukilau where he will be summited to the Polynesian Water Torture to help raise funds for the Guide Dogs of the Desert. He reminded everyone about the 1st Friday Concerts in the Square.

Council Member Vasquez announced that they had received a new van for the Boys and Girls Club from the Variety Club. The Boys and Girls Club have a new Executive Director, Scott Robinson. Detective Corwin DeVeas, presently serving in Iraq should be back with us early next year. Council Member Vasquez congratulated the Fire Department on a successful Fire Prevention Week.

Council Member England said the new Animal Campus is looking for volunteers, and you can volunteer through Coachella Valley Association of Governments. He also said they have received a positive update on Sun Line.

Council Member Marchand advised that we would be adjourning tonight in memory of:

1. In memory of Earthquake victims in Pakistan and Pakistan-administered Kashmir
2. In memory of the now 2000 U.S. service members who have been killed in Iraq
3. In memory of Rosa Parks and former Congressman Edward Roybal, who represented California (specifically part of L.A.) for 30 years.

Mr. Marchand mentioned the Flex Your Power recognition of the City Leadership and also there was an auto dealer considering going solar in the future. Mr. Marchand also complimented Assistant City Attorney Kendall Berkey on the excellent work done on the Council Policies and Procedures. Mr. Marchand continues to receive very positive comments about our new logo.

MINUTES

The minutes of the regularly scheduled City Council/RDA Board meeting on Wednesday October 12, 2005 were approved as written.

CONSENT AGENDA

Council Member Marchand moved approval of the Consent Agenda, motion seconded by Council Member Vasquez, motion carried 5-0.

1. Adopted resolution of the City Council for the City of Cathedral City, adopting revised City Council's policies, rules, and procedures **by Resolution No. 2005-79.**
2. Adopted resolution of the City Council for the City of Cathedral City, adopting City of Cathedral City Code of Ethics and acknowledging guide to conflict laws **by Resolution No. 2005-80.**
3. Adopted resolution of the City Council for the City of Cathedral City, adopting a policy on the duties of City Council members serving as liaisons to non-profit organizations to which the city of Cathedral City provides financial assistance **by Resolution No. 2005-91.**
4. Received and Filed quarterly report from the Cathedral City Chamber of Commerce relative to fiscal year 05-06 Economic Development/Business Resource Program Service Provider Agreement **by Minute Order # 3984.**
5. Received and filed quarterly report from the Cathedral City Chamber of Commerce relative to fiscal year 05-06 Community Service Provider **by Minute Order # 3985.** Agreement.
6. Received and filed quarterly report from the Cathedral City Senior Center relative to fiscal year 05-06 Service Provider Agreement **by Minute Order # 3986.**
7. Approved the format and duties of a Marketing Committee proposed by Mayor Kathleen J. DeRosa **by Minute order # 3987.**

PUBLIC HEARINGS

8. Adopt resolution of the City Council for the City of Cathedral City, ordering the vacation of Avenida Belleza, between Vista Chino and Quijo Road.

There was a brief report by City Engineer Bill Bayne.

Mayor DeRosa opened the floor to Public Comments.

Paul LuBay – Costa Mesa. Gave a brief report and was available to answer questions.

Mayor DeRosa closed the Public Hearing

Council Member Marchand moved approval of the Resolution, motion seconded by Council Member England, motion carried 5-0 **by Resolution No. 2005-82.**

9. Received and filed annual and five-year reports service and regulatory fees for fiscal years 1996-97 through 2004-05.

A report was made by Tami Scott, Finance Director explaining the process. A report was filed with the Building Industries Association on October 6, 2005.

Public Comments opened and closed without comments.

Mayor Pro Tem Pettis moved approval, motion seconded by Council Member England, motion carried 5-0 **by Resolution No. 2005-83.**

LEGISLATIVE ACTION(S)

Items 10 and 11 were discussed together but were voted on separately.

10. Approval of General Plan Amendment (GPA 05-002), Zone Change (CZ 05-003) and Mitigated Negative Declaration on a portion of Assessors Parcel Number 687-040-047, and generally located south of East Palm Canyon Drive and west of the West Cathedral Canyon Channel.

Bud Kopp, Assistant City Planner gave a detailed report about the first part of this item with regard to Zoning changes; this was 12.94 acres of land with very little exposure on East Palm Canyon and was a General Plan Change.

The development proposed is less than 1/2 of what could be there with present zoning.

On a vote of 3-1 the Planning Commission recommended that the City Council approve the General Plan amendment and the zoning change and the additional mitigation measure that would require that future development would include a Community Services District and also the mitigated negative declaration.

The Planned Unit Development Tentative Tract portion of the project includes slightly greater area than the zone change. The zone change area is about 12.9 acres, the overall area is about 16 acres which includes some land that crosses the west channel and where the bridge is located and a small parcel of land on Bankside that would become the entrance to the gated community. Also improvements along East Palm Canyon. The second part is consideration of a Planned Unit Development of 107 home sites, sized from 1500 to 1900 square feet, two stories, with three types of architecture and twelve elevations of homes. There is approximately 2/3 of an acre of open space on the site which will accommodate a pool and spa facility. All of the reports, tract maps, conditions are included in the Agenda this evening.

The applicants are in attendance this evening, and he will be happy to answer questions.

Mr. Kopp answered questions of council about the Community Services District or the Community Finance District, the lack of inclusionary housing in this proposal,

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the size of the levy (which is 180 ft across with a 7 foot berm), traffic access with a right in and right out only, that the developer pay a pro rated share of a traffic signal.

Questions were answered about the phasing of the project, the elimination of the Commercial portion of zoning, the flow of traffic during construction, the heights of the buildings, the set backs, and visual impacts. Also why the project hadn't gone to Architectural Review Committee. It was explained that it was scheduled for the ARC three times, but they lacked a full committee and couldn't attain the quorum to review this project.

George Baker, the developer of this project answered the question about the prices of these homes which will range from \$500,000 to \$600,000. This all detached housing with 10 feet between each building.

Tami Scott, Finance Manager gave an explanation of the CFD. There was a discussion of the difference of CFD or CSD. The developer is paying for the streets, curbs, gutters, water lines, sewers, we have it in our budget and will not burden the homeowners with these costs. We are contemplating a CSD to offset any burden that the city will have with these 107 homes.

Mayor DeRosa opened the floor to Public Comments.

Ken Owens – Cathedral City. Mr. Owens feels that the city should require the developer to pay “their fair share” with regard to the Cove Sewer Project. He is against this project.

Diane Gill – Cathedral City. Ms. Gill is also against this project. She wants people to think about this – she doesn't want lights in the cove, the residents are protective of their views.

Jim Condon – Cathedral City. He attended the hearings at the Planning Commission and he thinks it is a mistake to approve the mitigation. He is against this project. Why are we dealing with the U.S. Wildlife Service vs. the California Wildlife Service? He thinks this should go to the ARC.

Bill Cohen – Cathedral City. This project will cost a lot of money and cause traffic congestion. He is against.

Debra (name inaudible on tape) Cathedral City, “I know that progress is deemed inevitable, I live where I will actually see the rooftops of these two story houses - that are so close together”. I'm concerned about the night light and the cutting into the mountains, I worry about the Big Horn Sheep, I think this is a big mistake, I'm against this project.

Bill Bayne, City Engineer advised that there would be no “cutting into the mountains”, the knoll sticks out at East Palm Canyon and has always been planned to take off about 20 feet.

Steve Weisenberg – Rancho Mirage. He is part of the developer team and is willing to meet with Mr. Condon to explain the project and what he doesn't understand about the project, they want to be good neighbors.

Council Member England moved: 1) approval of General Plan Amendment 05-002 **by Resolution No. 2005-84**; 2) Approval of change of Zone 05-003 and introduction of proposed ordinance for change of Zone 05-003 (First Reading) 3) Waive further reading on this ordinance **by Minute Order # 3988**, motion seconded by Council Member England, motion carried 3-2, with Council Member Marchand and Mayor Pro Tem Pettis voting no.

11. Approval of Planned Unit Development (PUD 05-001), Tentative Tract Map (TTM 33668) and Mitigated Negative Declaration on a portion of Assessors Parcel Number 687-040-047, and generally located south of East Palm Canyon Drive and west of the West Cathedral Canyon Channel.

Council Member England moved approval subject to the following conditions

- 1) Construction access limited to East Palm Canyon subject to the Traffic recommendations from our Traffic Department.
- 2) That the Project be sent back to ARC for a full review of project including recommendations.
- 3) That the Project Development Team meet with the residents to explain how the project will be developed out, so that they will have buy-in.

Motion seconded by Council Member Vasquez.

Mayor Pro Tem Pettis advised that he would be voting no on this motion, that inclusionary housing is needed and he thinks it is a bad location for this project. This is the last visual link to the history of our city, wrong to talk about the new logo and Marketing Program and take away these views. I am concerned about affordable housing.

Council Member Marchand agreed with the Mayor Pro Tem and expressed his concerns about the location of this project. The issues we are facing in the cove are issues of the delicate ecosystem. This is not a reflection on the developer, or the quality of work.

Motion carried by 3-2 **by Minute Order # 3989**, with Mayor Pro Tem Pettis and Council Member Marchand voting no.

12. Introduction of proposed ordinance of the City Council for the City of Cathedral City, adopting new regulations pertaining to peddlers by repealing Chapter 11.68 "Charitable Solicitations", amending Chapter 3.28 "Business Licences", amending and retitling Chapter 5.48 "Street Vendors" and adopting new regulations pertaining to aggressive solicitations by amending Chapter

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11.08 "Disorderly Conduct.

Mayor DeRosa advised that there were no questions from Council and opened the floor to Public Comments.

Bill Proctor – Cathedral City. Mr. Proctor is in support of this ordinance.,

Seeing no one else wishing to speak, Mayor DeRosa closed Public Comments.

Council Member Marchand moved approval, motion seconded by Council Member England, motion carried 5-0 **by Minute Order # 3990.**

13. Approval to award a contract to KLM construction Inc. to construct repair and restoration improvements to the Date Palm Drive Bridge at the Whitewater River

There was a report by City Engineer Bill Bayne. The funding is Federal Funds.

Public comments were opened and closed without comment.

Council Member Marchand moved approval, motion seconded by Council Member Vasquez, motion carried 5-0 **by Minute Order # 3991.**

14. Authorization for staff to execute a service provider agreement with James R. Peters construction management and inspection to provide construction. inspection services for the Date Palm Drive Bridge at the Whitewater River Repair and Restoration Project.

There was a report by City Engineer Bill Bayne.

Public comments were opened and closed without comment.

Council Member Marchand moved approval, motion seconded by Council Member England, motion carried 5-0, **by Minute Order # 3992.**

15. Authorization for staff to execute a service provider agreement with Landmark Consultants, Inc. to provide materials testing services for the Date Palm Drive Bridge at the Whitewater River and Restoration Project.

Public comments were opened and closed without comment.

Council Member Marchand moved approval, motion seconded by Council Member England, motion carried 5-0 **by Minute Order # 3993.**

16. Consideration of an agreement by and between the Redevelopment Agency and HLS Holdings, LLC for the establishment of a KIA sales and service facility in the City of Cathedral City

This item deferred to a date uncertain.

ADJOURNMENT

Hearing no further business to come before City Council the Council adjourned to Closed Session at 8:57 p.m. The Council returned from Closed Session at 9:36 p.m. and there were no reportable action. The meeting adjourned at 9:38 p.m.

Pat Hammers, CMC
City Clerk